

MANDATE

S.D.N.Y.-N.Y.C.
14-cr-68
Forrest, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of June, two thousand eighteen.

Present:

Jon O. Newman,
José A. Cabranes,
Susan L. Carney,
Circuit Judges.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: July 31, 2018

Ross William Ulbricht, AKA Dread Pirate Roberts,
AKA Silk Road, AKA Sealed Defendant 1, AKA DPR,

Petitioner,
v.

18-643

United States of America,

Respondent.

Petitioner has filed a petition for a writ of mandamus. Upon due consideration, it is hereby ORDERED that the petition is DENIED. First, Petitioner may not seek to overturn his convictions through a mandamus petition because the All Writs Act, which empowers this Court to grant mandamus relief, "is a residual source of authority to issue writs that are not otherwise covered by statute." *Penn. Bureau of Corr. v. U.S. Marshals Serv.*, 474 U.S. 34, 43 (1985). Because Petitioner is a federal prisoner seeking to challenge the legality of his federal convictions, the relief he seeks is covered by statute: 28 U.S.C. § 2255. *See Jiminian v. Nash*, 245 F.3d 144, 146-47 (2d Cir. 2001). Second, to the extent he seeks the district judge's recusal, Petitioner has not demonstrated that the issue could not have been effectively reviewed through an appeal or that his right to issuance of the writ is clear and indisputable. *See Linde v. Arab Bank, PLC*, 706 F.3d 92, 107 (2d Cir. 2013).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe



A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 07/31/2018